

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

IN RE:	§	CASE NUMBER
	§	
JUAN & MARISELA CHONG	§	16-10031
	§	
DEBTOR(S)	§	CHAPTER 13

AMENDED

**DEBTORS' MOTION TO MODIFY CONFIRMED  
PLAN AND NOTICE OF HEARING AND TIME TO OBJECT**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

A HEARING ON THIS PROPOSED MODIFICATION IS SCHEDULED FOR **DECEMBER 4, 2017 AT 11:00 A.M. O'CLOCK** IN THE U.S. FEDERAL BUILDING & COURTHOUSE, 600 E. HARRISON, BROWNSVILLE, TEXAS.

NOW COME the Debtors and file this Motion to Modify their confirmed plan.

**1. HISTORY OF CASE.** This case was filed on February 3, 2016. The Plan was confirmed on May 31, 2016. The plan has previously been modified by order(s) entered on the following dates: N/A

**2. REASON FOR MODIFICATION.** The Debtors are modifying their Chapter 13 Plan in order to bring Plan payments current. Debtors fell behind with payments because the Debtor was laid off in June 2017 and then again in mid August 2017 with a different employer. He has now been rehired and earning steady pay. Debtors are also updating their income and expenses schedules. Debtors would show that they are filing this Modification in a good faith attempt to reorganize their debts.

**3. PLAN PAYMENTS UNDER CONFIRMED PLAN.** The current plan (as modified through this date) requires payments as follows:

Months: 1-3	Payment: \$ 1,366.66
Months: 4-11	Payment: \$ 2,107.00
Months: 12-22	Payment: \$ 2,034.40

Months: 23-49                      Payment: \$ 2,534.40

**4. PAYMENTS PREVIOUSLY MADE.** The Debtors have made payments to the chapter 13 trustee totaling \$29,569.28. Debtors are not current with their payments. Attached as Exhibit "A" is a schedule of all amounts received by the chapter 13 trustee.

**5. FUTURE PROPOSED PLAN PAYMENTS (AS MODIFIED).** The proposed modified plan requires future payments as follows:

(1) Months: 1-22              Payment: \$ 1,412.24  
(2) Months: 23-60              Payment: \$ 2,500.00

Attached as Exhibit "B" is the Amended Plan and the Amended Plan Summary in detail.

**6. CURRENT DEFAULTS.** The Debtors are not current with their Chapter 13 Plan payments.

Dollar amount in default: \$11,730.70  
Number of months in default: 5.7  
Last payment made: October 10, 2017  
Amount of last payment: \$500.00 TFS e-pay

**7. PROPOSED PLAN MODIFICATIONS:** As stated herein.

**8. INTERIM PAYMENTS.** Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the Court.

**9. BUDGET.** The Debtors' schedules "I" and "J" that the Debtor requests to be considered with this modification are attached as exhibit "C".

**10. ATTORNEYS' FEES (Check one):**

☒ Debtor(s) counsel shall be paid \$600 as a fixed fee for this modification. This box may not be checked if the modification was proposed within 120 days of the date on which the plan was confirmed.

☐ If Debtor(s)' counsel seeks compensation, a separate application will be filed. If no application is filed, no compensation will be paid.

**11. PROVISIONS:** All provisions of Debtors' confirmed plan not modified herein shall remain in effect.

I (We) declare under penalty and perjury that the foregoing represents the terms of the modified plan proposed for confirmation by Debtors.

Dated: November 29, 2017

/s/ Juan Chong .  
Juan Chong

/s/ Marisela Chong .  
Marisela Chong

Respectfully submitted,

/s/ Enrique J Solana .  
Enrique J Solana  
Federal ID No. 962939  
State Bar No. 24066114  
The Law Office of Enrique J. Solana PLLC  
914 E. Van Buren St  
Brownsville, TX 78520  
(956) 544-2345  
(956) 550-0641 fax

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2017, a true and correct copy of the foregoing Motion was served by US regular mail or electronically on the following:

Juan & Marisela Chong  
45 Casa Grande  
Brownsville, TX 78521

Cindy Boudloche  
Chapter 13 Trustee  
555 N. Carancahua, Suite 600  
Corpus Christi, TX 78478

And to all creditors and parties of record on attached matrix.

/s/ Enrique J Solana .  
Enrique J Solana

Debtor(s): **Juan Julian Chong**  
**Marisela H. Chong**

Case No: **16-10031**  
Chapter: **13**

SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION  
09/01/2017 08:17:40pm

Capital One Auto Finance  
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Plano, TX 75025

Wells Fargo Dealer Services  
Po Box 1697  
Winterville, NC 28590

Capital One Auto Finance  
7933 Preston Road  
Plano, TX 75024

Wells Fargo Dealer Services  
P.O. Box 25341  
Santa Ana, CA 92799-5341

Creditors Service Bure  
860 W Price Rd  
Brownsville, TX 78520

World Acceptance Corp  
108 Frederick Streetn  
Greenville, SC 29607

Ditech Financial Llc  
Po Box 6172  
Rapid City, SD 57709

Gold Star  
612 W Main  
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